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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,220

03/25/2005

Barry W. Townsend

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20457 7590 06/21/2007  
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EXAMINER

SNOW, BRUCE EDWARD

ART UNIT

PAPER NUMBER

3738

NOTIFICATION DATE

DELIVERY MODE

06/21/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeaction@antonelli.com  
dprater@antonelli.com  
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## Office Action Summary

Application No.

10/529,220

Applicant(s)

TOWNSEND ET AL.

Examiner

Bruce E. Snow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5, 7-11, 13, 14, 16-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,12,15 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/07</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Response to Arguments*

Applicant's response filed 3/26/07 has been fully considered. The drawing changes filed 3/26/07 are approved. The terminal disclaimer filed 3/26/07 was approved and overcame the double patenting rejection. Applicant amendment to claim 20 overcame the rejection as anticipated by Whayne.

Applicant submitted an IDS containing US 2,453,969 which has been applied. The Examiner notes definition b of the term "spiral" wherein the dimensional curve around an axis can be constant such as a spiral notebook.

The American Heritage® Dictionary of the English Language:  
Fourth Edition. 2000.

## Spiral

SYLLABICATION: spi·ral

PRONUNCIATION: ↻ spīˈrəl

NOUN: **1a.** A curve on a plane that winds around a fixed center point at a continuously increasing or decreasing distance from the point. **b.** A three-dimensional curve that turns around an axis at a constant or continuously varying distance while moving parallel to the axis; a helix. **c.** Something having the form of such a curve: *a spiral of black smoke*. **2. Printing** A spiral binding. **3.** The course or flight path of an object rotating on its longitudinal axis. **4.** A continuously accelerating increase or decrease: *the wage-price spiral*.

The American Heritage® Dictionary of the English Language:  
Fourth Edition. 2000.

## shank

PRONUNCIATION: ˈʃæŋk

NOUN: **1a.** The part of the human leg between the knee and ankle. **b.** A corresponding part in other vertebrates. **2a.** The whole leg of a human. **b.** A leg or leglike part.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 7-9, 11, 13, 14, 16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter (2,453,969, applicant submitted 3/26/07).

Referring to at least figures 1-3 Carter teaches:

1. (original) A prosthetic foot comprising: a longitudinally extending foot keel 22;  
a calf shank/member (including at least elements 5, 6, 7, 3, 1) secured to the foot keel at a lower end thereof and extending upwardly from the foot keel;  
wherein the lower end of the calf shank is in the form of a spiral 6, the calf shank extending upward anteriorly from the spiral to an upstanding upper end thereof.

Regarding at least claim 2, see at least coupling elements 24, 25, 20, 21.

Regarding at least claim 5, stop, see elements 12, 29.

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Regarding at least claim 9, adjustable, clamping elements 20, 21 allow the spring ends 18 to be adjustable forward/backward.

Regarding at least claim 11, the end of the coil 6 increase in radius between the coil and straight portion.

***Claim Rejections - 35 USC § 103***

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (2,453,969).

Carter teaches the foot as described above however fails to teach the aperture in the keel for receiving bolt 24 is a slot. It is known in the art to use adjustment slots in lieu of simply an aperture and would have been obvious to one having ordinary skill in the art to have utilized on the keel of Carter to allow for additional adjustment.

***Allowable Subject Matter***

Claims 3, 4, 6, 12, 15, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 3/26/07 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

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**FINAL.** See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce E. Snow whose telephone number is (571) 272-4759. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bes

A handwritten signature in black ink, appearing to be 'BS' followed by a stylized flourish.

**BRUCE SNOW**  
PRIMARY EXAMINER